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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,997	03/02/2004	Daniel J. Coster	APL1P290/P3186	4300

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BEYER WEAVER & THOMAS, LLP
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OAKLAND, CA 94612-0250

EXAMINER

PAPE, ZACHARY

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/791,997

Applicant(s)

COSTER ET AL.

Examiner

Zachary M. Pape

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 40 and 44.
Claim(s) objected to: 39 and 49-55.
Claim(s) rejected: 1-5, 28-33, 35-39, 45-48, 56.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached "Response to Arguments" document.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Response to Arguments

1. Applicants' arguments filed 7/27/06 to the 112 rejection have been fully considered and are persuasive. However the withdrawal of the rejection does not put the case in condition for allowance (since the Examiner had examined the case with the Aluminum door limitation).

2. Applicants' arguments filed 7/27/06 have been fully considered but they are not persuasive.

With respect to the Applicants' remarks to claims 1 and 35 that, "there simply is no motivation to use Lin's pivoting handle", the Examiner respectfully disagrees. As noted in the office action dated 5/30/06, one would combine the handle mechanism of Lin with the teachings of Chen et al. to provide, "a latch for readily removing a cover of a piece of electronic equipment from a base thereof" (Lin et al. Column 1, Lines 50-52).

With respect to the Applicants' remarks to claim 1 and 35 that, "Lin teaches away from Chen's application" the Examiner respectfully notes that the problem solving features of Lin (I.E. difficulty in manipulating panels due to high engaging forces of the hooks) is actually motivation for combining Lin's handle with the teachings of Chen et al. since it will, in part, ease the manipulation of the panels and help to overcome the high engaging forces.

With respect to the Applicants' remarks to claim 29 that, "It is not as simple as connecting the tongue of Lin with the locking hole of Chen", the Examiner respectfully requests that the Applicant's provide evidence of such an assertion.

With respect to the Applicants' remarks to claim 32 that, "The rejection is unsupported by the art and should be withdrawn", the Examiner respectfully disagrees. As shown in Fig 1, the retention hooks (83) are positioned within the access opening (See Fig 4) and the hook receivers (52) are positioned on an inner surface of the access door (See claim 4 rejection which teaches the reversal of parts).

With respect to the Applicants' remarks to claim 36 that, "the locking slots are not built into an interior of anything" the Examiner respectfully disagrees. As illustrated in Figs 1 and 4, the locking slots (52) are built into a locking bar (50) which is further built into the inner surface of the housing (10, See specifically Fig 4 which illustrates that the bar (50) is "built in" to the housing via fixing tabs 24).

With respect to the Applicants' remarks to claim 38 that, "The stiffener relied upon by the Examiner, is not a separate piece attached to the inner surface of the door" the Examiner respectfully notes that the claim language of claim 38 is broader than the present argument since the claim does not require that the stiffener be a separate piece. With respect to the door being planar, the Examiner respectfully submits that the door of the present invention fails to be planar for at least the reason that it contains alignment pins (62).

With respect to Applicants' remarks to claim 45 that, "Chen" fails to teach, "interior surface of the access door having a flat edge portion and a raised portion inside the flat edge portion" the Examiner respectfully disagrees. As illustrated in the office action Fig 1, the flat edge portion is located along the top and the bottom of the door

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(I.E. outside) and the raised portion is located inside the top portion (I.E. inside) thereby satisfying the claimed requirements.

With respect to the Applicants' remarks to claim 46, the Examiner respectfully notes that the Examiner has deemed claim 46 allowable.

With respect to the Applicants' remarks to claim 47 that, "The door is not flat edge to edge" the Examiner respectfully disagrees. As illustrated in Fig 1 below the door is in fact flat from edge to edge (Edge 1 to Edge 2) at for the reason that there is a temporary recess in the raised portion. Additionally the Examiner respectfully asserts that raised elements 83 also form one edge of the door (Edge 1) and the folded piece on the other end of the door is also another edge. Finally the Examiner respectfully asserts that an, "edge to edge" could also be a part of the door which is between the raised elements edge and the flat edge (labeled Edge 2) at the top of the door.

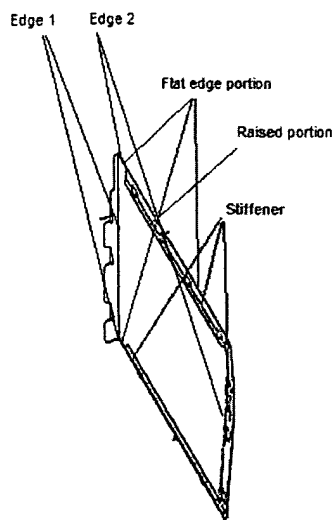


Fig 1


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached on Mon. - Thur. & every other Fri. (8:00am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached at 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZMP


LISA LEA-EDMONDS
PRIMARY EXAMINER